

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

THE COUNTRY CLUB OF JACKSON,
MISSISSIPPI

8 U.S.C. § 1324a(a)(2)
42 U.S.C. §408(a)(6)

**JOINT MOTION FOR APPROVAL OF DEFERRED PROSECUTION AGREEMENT
AND EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT**

The UNITED STATES OF AMERICA and Defendant THE COUNTRY CLUB OF JACKSON, MISSISSIPPI (hereinafter “The Country Club”), by their respective attorneys, move this Honorable Court, pursuant to Title 18, United States Code, Section 3161(h)(2) of the Speedy Trial Act, for the entry of an Order approving the attached Deferred Prosecution Agreement and for the exclusion of a twenty-four (24) month period in computing the time within which an information or indictment must be filed upon the charges contained in the criminal complaint filed against The Country Club:

1. On February 6, 2008, the United States and The Country Club entered into a written Deferred Prosecution Agreement, a true, correct and complete copy of which is attached hereto and incorporated by reference herein as Exhibit 1 (hereinafter, “the Agreement”). The purpose of the Agreement is to allow The Country Club to demonstrate its good conduct.

2. In Paragraph 1 of the Agreement, The Country Club accepted and acknowledged that the United States would file a criminal complaint and supporting affidavit in this Court

charging it with hiring and continuing to employ illegal aliens knowing such aliens were unauthorized aliens with respect to such employment, in violation of Section 1324a(a)(2), Title 8, United States Code, and willfully, knowingly and with intent to deceive the Social Security Administration as to the identity of another person, furnishing or causing to be furnished false information to the Commissioner of Social Security with respect to information required by the Commissioner of Social Security in connection with the establishment and maintenance of the records, in violation of Section 408(a)(6), Title 42, United States Code.

3. Pursuant to Paragraph 1 of the Agreement, the United States has filed with the clerk of this Court a criminal complaint charging The Country Club with the above-mentioned criminal violations. A true, correct and complete copy of the criminal complaint is attached hereto as Exhibit 2.

4. Pursuant to Paragraph 8 of the Agreement and in light of The Country Club's cooperation to date and its willingness to: (i) acknowledge responsibility for its behavior, (ii) continue its cooperation with the United States and other governmental regulatory agencies, (iii) demonstrate its future good conduct and full compliance with the immigration laws and regulations, and (iv) settle any and all civil and criminal assessments against it for the sum of \$214,500.00 pursuant to Paragraph 3 of the Agreement, the United States respectfully recommends to this Court, pursuant to 18 U.S.C. § 3161(h)(2), that it approve the Agreement and that prosecution of The Country Club on the criminal complaint filed pursuant to Paragraph 1 of the Agreement be deferred for a period of twenty-four (24) months.

5. The Country Club hereby joins in and consents to this motion and does not oppose a continuance of all further criminal proceedings, including initial appearance, filing of

an information or an indictment, and trial, for a period of twenty-four (24) months, for speedy trial exclusion of all time covered by such a continuance, and for approval by the Court of this deferred prosecution.

6. The Country Club hereby agrees to waive and does hereby expressly waive any and all rights to a speedy trial pursuant to the Sixth Amendment of the United States Constitution, Title 18, United States Code, Section 3161, Federal Rule of Criminal Procedure 48(b), and any applicable Local Rules of the United States District Court for the Southern District of Mississippi for the period that the Agreement is in effect.

7. The United States has agreed that if The Country Club is in full compliance with all of its obligations under the Agreement, the United States, within thirty (30) days of the expiration of twenty-four (24) months from the date of this Agreement, as set forth in Paragraph 10 of the Agreement, will move this Court for dismissal with prejudice of the criminal complaint filed against The Country Club pursuant to Paragraph 1 of the Agreement.

WHEREFORE, the United States and The Country Club respectfully request that this Honorable Court enter an Order approving the Agreement and continuing all further criminal proceedings, including initial appearance, filing of an information or an indictment, and trial, for a period of twenty-four (24) months, excluding the twenty-four (24) month period in computing the time within which any information or indictment must be filed upon the charges contained in

the criminal complaint filed against The Country Club, pursuant to Title 18, United States Code, Section 3161(h)(2) of the Speedy Trial Act.

Respectfully Submitted,

UNITED STATES OF AMERICA

THE COUNTRY CLUB OF JACKSON,
MISSISSIPPI

DUNN LAMPTON

United States Attorney

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D. MICHAEL HURST, JR.
Assistant United States Attorney

/s/ Cynthia H. Speetjens
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